IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 19663 of 2007(N)

PETITIONER:

P.C.RAMACHANDRA MENON,
S/O.UNNI RAMA MENON, RESIDING AT 16/981,
"JYOTSNA", ANNIE HALL ROAD, CALICUT.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOZHIKODE.

2. CORPORATION OF KOZHIKODE,
REPRESENTED BY ITS SECRETARY,
CORPORATION BUILDING, KOZHIKODE.

3. P.K.RAJAGOPALAN,
ANNAPPORNIMA,
FRANCIS ROAD, CALICUT.

BY ADV. SRI.P.V.KUNHIKRISHNAN,SC,KOZHIKODE CORP
SRI.C.P.MOHAMMED NIAS
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF THE DOCUMENT OF JENMOM TITLE DEED

EXT.P2 TRUE COPY OF THE SKETCH SHOWING THE LIE OF THE PETITIONER'S PROPERTY ALONG WITH THE EXISTING BOUNDARIES.

EXT.P3 TRUE COPY OF THE NOTICE ISSUED BY THE HEALTH OFFICER OF THE 2ND RESPONDENT.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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WP.(C) No. 19663 of 2007

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Dated this the 23rd day of August, 2007

JUDGMENT

Petitioner has approached this court for a direction to remove the encroachments made by the third respondent in the lane situated on the western boundary of the petitioners' property and restore the same to its original position within a time limit. The further prayer is that in case it is revealed that the lane is not vested with the Corporation, to direct the first respondent to initiate steps to remove encroachment. The Health Officer of the third respondent has issued Ext.P3 notice.

2. I heard learned counsel for the parties. Since notice has already been issued, a decision will be taken on the basis of Ext. P3.

Accordingly I direct the second respondent to hear the petitioner and the third respondent or their representatives and take a decision in the matter in accordance with law and communicate the same to the petitioner and also to the third respondent within a period of two months from the date of receipt of a copy of this judgment. If it is found that there is encroachment and the land is a revenue puramboke,

it is open to the petitioner to bring it to the notice of the first respondent for appropriate action. If it is found that encroachment is committed by the third respondent in the land vests with the respondent Corporation, appropriate action in accordance with law will be taken.

(K.M. JOSEPH, JUDGE)

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